



SOCIAL SECURITY

Refer to:

S9H: SSA-2019-001020

September 16, 2019

Mr. Brendan O'Connor
MuckRock News
Dept. MR 67406 411A Highland Ave
Somerville, MA 02144
67406-07970796@requests.muckrock.com

Dear Mr. O'Connor:

I am responding to your January 15, 2019 Freedom of Information Act (FOIA) request for all emails, including attachments, from Robert W. Patterson, the former acting associate commissioner at the Social Security Administration's (SSA) Office of Strategic and Digital Communications, containing the following keywords in the subject line or body: immigration; immigrants; undocumented; diversity; foreigners. You specified that you would like the records to cover May 2017 through the present.

Enclosed via CD are 1,305 pages of responsive records. However, we withheld portions of the records under FOIA Exemptions 2, 5, and 6.

Pursuant to the FOIA Exemption 2 (5 U.S.C. § 552(b)(2)), we redacted internal office electronic mailboxes. Exemption 2 exempts from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency." This information is restricted for use by SSA employees for official agency business; therefore, it is exempt from the disclosure requirements of the FOIA.

FOIA Exemption 5 protects advice, opinions, recommendations, predecisional discussion, and evaluative remarks that are part of the government decision-making process. Release of such predecisional advisory communications would harm the quality of agency decision-making and the policy of encouraging frank, open discussion among agency personnel before making a decision (5 U.S.C. §552(b)(5)).

The general purposes of the deliberative process privilege are to prevent injury to the quality of agency decisions and to protect government agencies' decision-making processes. The deliberative process privilege allows agencies to freely explore alternative avenues of action and to engage in internal debates without fear of public scrutiny (*Missouri ex rel. Shorr v. United States Army Corps of Engineers*, 147 F.3d 708, 710 (8th Cir. 1998)). Exemption 5 protects not merely documents, but also the integrity of the deliberative process itself, where the exposure of that process could result in harm.

We are also withholding information regarding third parties under the FOIA Exemption 6 (5 U.S.C. § 552(b)(6)). When we receive a request from a member of the public to release personal information about another individual from our records, we must balance the individual's

privacy interest in withholding the information against the public interest in disclosing the information. We must determine whether disclosure would affect a personal privacy interest. Individuals clearly have a substantial personal privacy interest in the personal details furnished to the government. On the other hand, the only public interest we must consider is whether the information sought would shed light on the way an agency performs its statutory duties. We may not consider the identity of the requester or the purpose for which the information is requested. While the public has an interest in knowing how SSA administers the Social Security Act, disclosing records containing personal information about named individuals would not shed light on how the agency performs its statutory duties. Therefore, disclosing this information would be a clearly unwarranted invasion of personal privacy, and the FOIA does not require disclosure.

The password for your encrypted disc is P@ssw0rd=1.

If you have questions, or would like further assistance with your request, you may contact our FOIA Public Liaison by email at FOIA.Public.Liaison@ssa.gov; by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration for dispute resolution services. OGIS is an entity outside of SSA that offers mediation services to resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235. Your appeal must be postmarked or electronically transmitted to FOIA.Public.Liaison@ssa.gov within 90 days of the date of our response to your initial request. Please mark the envelope or subject line with "Freedom of Information Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Zimmerman".

Mary Ann Zimmerman
Freedom of Information Officer

Enclosures